

## **REMARKS**

The Response under 37 C.F.R. 1.116 mailed December 11, 2006, was entered by the Examiner.

Accordingly, as of the mailing date of the Advisory Action, Claims 1-18, 21-23, and 27 are pending in this application. Of these pending claims, Claims 1 and 16 stand rejected; Claims 2-15, 17, 18 and 27 stand objected to; and Claims 21-23 stand allowed.

The foregoing amendments and following remarks are believed to be fully responsive to the outstanding office action, and are believed to place the application in condition for allowance.

### **Nonstatutory Double Patenting**

Claims 1 and 16 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6, 8, 9, 12 and 16 of copending Application No. 10/753,244 in view of Myers et al. ('674).

The Terminal Disclaimer mailed with the Response on December 11, 2006 was disapproved because there was no record of ownership of the pending application on file with the USPTO.

Applicants originally submitted an Assignment along with a Response to Notice to File Missing Parts that was received by the USPTO on June 21, 2004 (a copy of the return postcard date stamped by the USPTO being enclosed for the convenience of the Examiner). While reviewing PAIRS entries for the pending application, Applicants discovered that the Assignment was scanned as pages 3 and 4 of the Declaration that was also submitted in the Response to Notice to File Missing Parts received by the USPTO on June 21, 2004 (a copy of the Declaration, Assignment, and relevant portion of PAIRS entries being enclosed for the convenience of the Examiner). However, during this review, Applicants could not confirm recordation by the USPTO of the Assignment received June 21, 2004. Accordingly, Applicants submitted a copy of the original Assignment along with a Recordation Form Cover Sheet to the Assignment Branch of the USPTO on January 23, 2007 (a copy of the Assignment and Recordation Form Cover Sheet being enclosed for the convenience of the Examiner).

Applicants respectfully submit that record of ownership is on file with the USPTO. As such, in order to expedite the prosecution of this application,

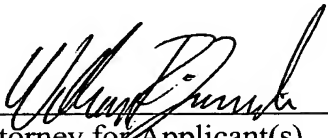
Applicants are enclosing herewith another Terminal Disclaimer in order to overcome the nonstatutory obviousness-type double patenting rejection. Accordingly, Applicants respectfully request withdrawal of the nonstatutory double patenting rejection of claims 1 and 16.

### CONCLUSION

It is respectfully submitted that, in view of the above amendments and remarks, this application is now in condition for allowance, prompt notice of which is earnestly solicited.

The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this application towards allowance.

Respectfully submitted,

  
\_\_\_\_\_  
Attorney for Applicant(s)  
Registration No. 45,287.

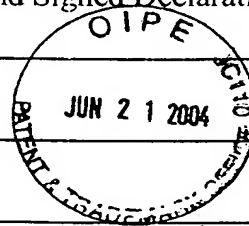
William R. Zimmerli/rgd  
Rochester, NY 14650  
Telephone: 585-588-2758  
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

#### Enclosures:

- a copy of the return postcard date stamped by the USPTO – 1 page
- a copy of the Declaration, Assignment, and relevant portion of PAIRS entries – 5 pages
- a copy of the Assignment and Recordation Form Cover Sheet – 3 pages
- Request for Extension of Time
- Terminal Disclaimer

Inventor(s)	<u>Peter J. Fellingham, et al</u>
Serial No.	<u>10/753,245</u>
Paper Submitted	<u>Response to Notice to File Missing Parts; Letter under 37 C.F.R. 153(D) and Signed Declaration and signed Assignment</u>
Sender (initial)	<u>William R. Zimmerli/tt</u>
Docket No.	<u>86745/WRZ</u>
Please stamp with date of receipt and return this card to the addressee.	
PATENT LEGAL STAFF	



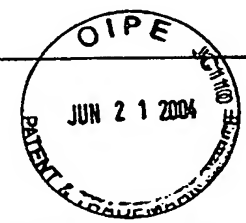
02-23-2006	Specification	1	<input type="checkbox"/>
02-23-2006	Claims	5	<input type="checkbox"/>
02-23-2006	Applicant Arguments/Remarks Made in an Amendment	8	<input type="checkbox"/>
02-23-2006	Drawings	8	<input type="checkbox"/>
12-21-2005	Non-Final Rejection	9	<input type="checkbox"/>
12-21-2005	List of References cited by applicant and considered by examiner	2	<input type="checkbox"/>
12-21-2005	List of references cited by examiner	1	<input type="checkbox"/>
12-21-2005	Bibliographic Data Sheet	1	<input type="checkbox"/>
12-21-2005	Index of Claims	1	<input type="checkbox"/>
12-21-2005	Search information including classification, databases and other search related notes	1	<input type="checkbox"/>
12-19-2005	Examiner's search strategy and results	9	<input type="checkbox"/>
06-20-2005	Information Disclosure Statement (IDS) Filed	3	<input type="checkbox"/>
06-20-2005	Foreign Reference	21	<input type="checkbox"/>
→ 06-21-2004	Oath or Declaration filed	4	<input type="checkbox"/>
04-21-2004	Pre-Exam Formalities Notice	2	<input type="checkbox"/>
01-08-2004	Transmittal		

As below named inventor, I hereby declare that:  
 My residence, post office address and citizenship are as stated below next to my name,  
 I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**A MEDIA DRYING SYSTEM HAVING A HEATED SURFACE AND A DIRECTED GAS FLOW**

The specification of which (check only one item below):

☐ is attached hereto.  
☒ was filed as United States Application Serial No. 10/753,245 on 01-08-2004 and was amended on (if applicable).  
☐ was filed as PCT international application Number on and was amended on (if applicable).



I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.  
 I acknowledge the duty to disclose to the U.S. Patent & Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.  
 I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) or 365 (b) of any foreign application(s) for patent or inventor's certificate, or (365 (a) of any PCT international application(s) which designates at least one country other than the United States of America, listed below and have also identified below any foreign applications(s) for patent or inventor's certificate or any PCT international application(s) designating a least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

COUNTRY (If PCT, indicate PCT)		APPLICATION NUMBER	DATE OF FILING (month/day/year)	PRIORITY CLAIMED UNDER 35 USC §119		
				YES		NO
				YES		NO
				YES		NO

I hereby claim the benefit under Title 35, United States Code, 119 §(e) of any United States provisional application(s) listed below:

PRIOR PROVISIONAL APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119 (e):	
PROVISIONAL APPLICATION NUMBER	FILING DATE (month/day/year)

I hereby claim the benefit under Title 35, United States Code, §120 of any prior United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior applications(s) in the manner provided by the first paragraph of Title 35, §112, I acknowledge the duty to disclose to the U.S. Patent & Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56, which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PRIOR US APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S FOR BENEFIT UNDER 35USC§120:					
U.S. APPLICATIONS			STATUS <i>(Check one)</i>		
U.S. APPLICATION NUMBER	U.S. FILING DATE		PATENTED	PENDING	ABANDONED
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NUMBERS ASSIGNED <i>(if any)</i>			

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the attorney(s) and/or agent(s) associated with Eastman Kodak Company Customer No. 01333 to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

**Send Correspondence to:**

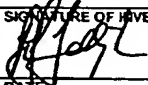
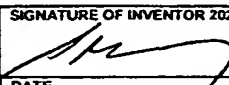
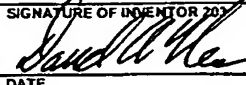
Patent Legal Staff  
Eastman Kodak Company  
343 State Street  
Rochester, NY 14650-2201

**Direct Telephone Calls to:**  
(name and telephone number)

William R. Zimmerli  
585-588-2758  
FAX: 585-477-1148

2	<small>FULL NAME OF INVENTOR</small>	FAMILY NAME <b>Fellingham</b>	FIRST GIVEN NAME <b>Peter</b>	SECOND GIVEN NAME <b>J.</b>
0	<small>RESIDENCE &amp; CITIZENSHIP</small>	CITY <b>San Diego</b>	STATE OR FOREIGN COUNTRY <b>California 92129 USA</b>	COUNTRY OF CITIZENSHIP <b>South Africa</b>
1	<small>BUSINESS ADDRESS</small>	BUSINESS ADDRESS <b>ENCAD, Inc.</b>	CITY <b>6059 Cornerstone Ct. West San Diego</b>	STATE & ZIP CODE (COUNTRY) <b>California 92121-3734 USA</b>
2	<small>FULL NAME OF INVENTOR</small>	FAMILY NAME <b>Mercy</b>	FIRST GIVEN NAME <b>Shawn</b>	SECOND GIVEN NAME <b>J.</b>
0	<small>RESIDENCE &amp; CITIZENSHIP</small>	CITY <b>San Diego</b>	STATE OR FOREIGN COUNTRY <b>California 92130 USA</b>	COUNTRY OF CITIZENSHIP <b>USA</b>
2	<small>BUSINESS ADDRESS</small>	BUSINESS ADDRESS <b>ENCAD, Inc.</b>	CITY <b>6059 Cornerstone Court West San Diego</b>	STATE & ZIP CODE (COUNTRY) <b>California 92121-3734 USA</b>
2	<small>FULL NAME OF INVENTOR</small>	FAMILY NAME <b>Neese</b>	FIRST GIVEN NAME <b>David</b>	SECOND GIVEN NAME <b>A.</b>
0	<small>RESIDENCE &amp; CITIZENSHIP</small>	CITY <b>Escondido</b>	STATE OR FOREIGN COUNTRY <b>California 92029 USA</b>	COUNTRY OF CITIZENSHIP <b>USA</b>
3	<small>BUSINESS ADDRESS</small>	BUSINESS ADDRESS <b>ENCAD, Inc.</b>	CITY <b>6059 Cornerstone Ct. West San Diego</b>	STATE & ZIP CODE (COUNTRY) <b>California 92121-3734 USA</b>
2	<small>FULL NAME OF INVENTOR</small>	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
0	<small>RESIDENCE &amp; CITIZENSHIP</small>	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
4	<small>BUSINESS ADDRESS</small>	BUSINESS ADDRESS	CITY	STATE & ZIP CODE (COUNTRY)
2	<small>FULL NAME OF INVENTOR</small>	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
0	<small>RESIDENCE &amp; CITIZENSHIP</small>	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
5	<small>BUSINESS ADDRESS</small>	BUSINESS ADDRESS	CITY	STATE & ZIP CODE (COUNTRY)
2	<small>FULL NAME OF INVENTOR</small>	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
0	<small>RESIDENCE &amp; CITIZENSHIP</small>	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
6	<small>BUSINESS ADDRESS</small>	BUSINESS ADDRESS	CITY	STATE & ZIP CODE (COUNTRY)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE OF INVENTOR 201 	SIGNATURE OF INVENTOR 202 	SIGNATURE OF INVENTOR 203 
DATE <b>14 MAY 04</b>	DATE <b>05.14.04</b>	DATE <b>5.13.04</b>
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE	DATE	DATE

ASSIGNMENT

For good and valuable consideration received, including salary or payment for the making of inventions, or employee benefits, I/we do hereby assign to Eastman Kodak Company, a New Jersey corporation having a principal place of business in Rochester, New York, its successors and assigns, the entire right, title and interest, including priority rights, in and to all of my/our inventions and improvements disclosed in an application for patent for

**A MEDIA DRYING SYSTEM HAVING A HEATED SURFACE AND A DIRECTED GAS FLOW**

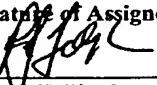
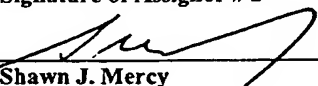
which is [check one]

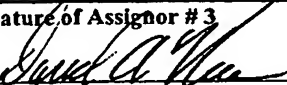
- ☒ a non-provisional application for patent executed on the date(s) shown below by:  
☐ a provisional application for patent by :  
☐ an international application for patent by :

Assignor # 1: Peter J. Fellingham	Date 14 MAY 04
Assignor # 2: Shawn J. Mercy	Date 05.14.04
Assignor # 3: David A. Neese	Date 13 MAY 2004

and [check one] ☐ about to be filed ☒ already filed as 10/753,245 on 08 January 2004

in the United States Patent and Trademark Office, together with said application, and any corresponding or counterpart provisional or non-provisional application, and any divisional, continuation, substitute, reissue, re-examination application thereof, and any applications, including international applications, corresponding or being a counterpart thereto in whole or in part in the United States and all other countries. I/We do hereby acknowledge that I/we were subject to an obligation of assignment to Eastman Kodak Company with respect to the entire right, title and interest in and to said inventions at the time the inventions were made. I/We also do hereby assign to Eastman Kodak Company the entire right, title and interest in and to Letters Patent and similar protective rights granted on any of these applications, as well as the right to claim any applicable priority rights arising from any of these applications under the terms of any applicable conventions, treaties, statutes or regulations. I/We agree that any of these applications, at Eastman Kodak Company's sole discretion, may be filed and issued in the name of Eastman Kodak Company or its designee. I/We agree to execute such documents which in the judgment of Eastman Kodak Company may be necessary to obtain any such patents and similar protective rights and to maintain the title thereto in Eastman Kodak Company or its designee. I/We further agree that, upon request, but without out-of-pocket expense to myself/ourselves, I/we shall furnish to Eastman Kodak Company or its designee any data, information, exhibits, memoranda, or other evidence in my/our possession relating to any of said inventions or improvements and shall testify in any ex parte or inter partes legal or administrative proceedings relating thereto. I/We authorize and request issuance of all Letters Patent and similar protective rights that may be granted on any of these applications, to the extent that and in such manner as such issuance shall be requested by Eastman Kodak Company or its designee. This document shall be governed, construed and interpreted in all respects in accordance with the laws of the State of New York, USA.

Signature of Assignor # 1  Peter J. Fellingham Date: 14 MAY 04 Witnessed: Jennifer Bradstreet	Witness Address, if other than Eastman Kodak Company, Rochester, NY 14650 1059 CORNERSTONE COURT WEST SAN DIEGO, CA 92121
Signature of Assignor # 2  Shawn J. Mercy Date: 05.14.04 Witnessed: Jennifer Bradstreet	Witness Address, if other than Eastman Kodak Company, Rochester, NY 14650 1059 CORNERSTONE COURT WEST SAN DIEGO, CA 92121

<p>Signature of Assignor # 3  David A. Neese Date: 5-13-09 Witnessed: Jennifer Bradstreet</p>	<p>Witness Address, if other than Eastman Kodak Company, Rochester, NY 14650 6059 CORNERSTONE COURT WEST SAN DIEGO, CA 92121</p>
--	--